

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROYAL TRUCK & TRAILER SALES AND
SERVICES, INC.,

Plaintiff,

v

MIKE KRAFT, and KELLY MATTHEWS
f/k/a KELLY SCHLIMMER,

Defendants.

Case No. 3:18-cv-10986-RHC-EAS

Hon. Robert H. Cleland

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ADDENDUM TO DEFENDANTS' MOTION TO DISMISS

CONCISE STATEMENT OF ISSUES PRESENTED

1. Should Plaintiff's claims under the Computer Fraud and Abuse Act be dismissed for failure to state a claim upon which relief may be granted, where Plaintiff failed to allege that Defendants initial access to their computers, emails, and phones was prohibited or unauthorized and failed to allege the deletion of original files?

Defendants answer: "Yes"

Plaintiff answers: "No"

2. Should the remaining state law allegations in Plaintiff's claims be dismissed for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1)?

Defendants answer: "Yes"

Plaintiff answers: "No"

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Federal Rules of Civil Procedure 15 and 16(b)

18 U.S.C. § 1030(c)(2)(B)

Ajuba Intern., LLC v. Saharia, 871 F. Supp. 2d 671 (E.D.Mich. 2012)

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2018, I electronically the foregoing pleadings with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record.

/s/ Salvatore J. Vitale

Salvatore J. Vitale (P75449)